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7 UNITED STATES DISTRICT COURT FOR THE
8 NORTHERN DISTRICT OF CALIFORNIA

9 SAN RAFAEL CITY SCHOOLS

10 Plaintiff,

11 vs.

12 OFFICE OF ADMINISTRATIVE HEARINGS,

13 Defendant,

14 and

15 T.M., a minor,

16 Real Party in Interest

Case No. C07-04702

**DECLARATION OF DAVID
LYON IN SUPPORT OF
MOTION TO COMPEL
ALTERNATIVE DISPUTE
RESOLUTION AND FOR
EXTENSION OF TIME TO
FILE MOTION FOR SUMMARY
JUDGMENT**

Date: December 20, 2007

Time: 8:00 a.m.

Dept.: Courtroom 9, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102
Hon. William Alsup

18 I, David Lyon, hereby declare:

19 1. I am associated with the law firm of Ruiz & Sperow, counsel of record for Plaintiff San
20 Rafael City Schools ("the District") in this matter. The following is known to me based upon personal
21 knowledge or based on information and belief which I believe to be true and correct. If called as a
22 witness, I could and would competently testify thereto.

23 2. This complaint constitutes an appeal, pursuant to 20 U.S.C. § 1415(i)(2)(A), of the decision
24 (the "administrative decision") of the OFFICE OF ADMINISTRATIVE HEARINGS ("OAH"), dated
25 August 13, 2007, regarding the due process complaint brought by T.M. ("the student"), a special
26 education student, under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400,
27 *et seq.*, and enacting California statutes, Education Code Sections 56000, *et seq.* A true and correct
28

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1 copy of the decision is attached hereto as Exhibit A.

2 2. I have participated in this matter from its inception, including participation in a mediation
3 preceding the underlying due process hearing, the hearing itself and preparation of post-hearing briefs.
4 In addition, I have initiated and pursued settlement discussions with counsel for Real Party In Interest,
5 T.M. ("Real Party").

6 3. Based upon my experience in this matter and familiarity with the dynamics between the
7 parties, I do not believe that the parties will be able to successfully reach a resolution of this matter
8 through direct negotiation with each other. At the same time, I believe that this matter is one that a
9 skilled mediator or other third party would have a very good chance of resolving, and thus believe that
10 this matter would greatly benefit from an order compelling participation in an alternative dispute
11 resolution procedure.

12 4. Attached hereto as Exhibit 1 is a true and correct copy of the order of this court dated
13 October 1, 2007, withdrawing a prior referral of this matter to the ADR Multi-Option Program,
14 establishing a brief schedule for summary judgment motions, and other provisions.

15 I hereby declare under penalty of perjury of the laws of the state of California that the foregoing
16 is true and correct and that this Declaration was executed on November 15, 2007 in Emeryville,
17 California.

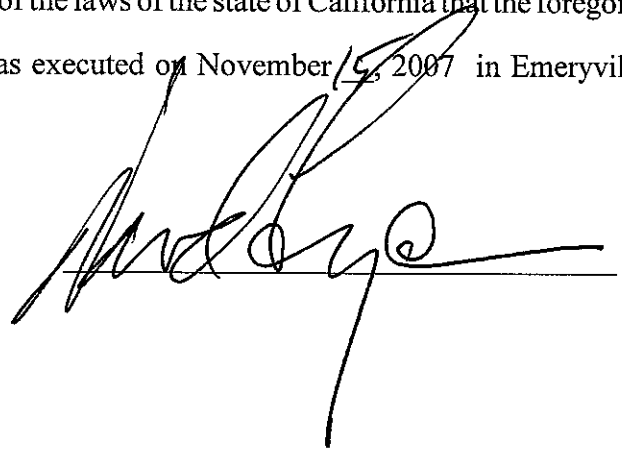


EXHIBIT A

3609
mdey
E-Filing

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PROCEDURAL ORDER IN ACTIONS FOR REVIEW ON AN ADMINISTRATIVE RECORD

CASE NO. 07-4702

TO THE PARTIES AND COUNSEL OF RECORD IN THE ABOVE ACTION:

The above action seeks a review per of a decision by the Office of Administrative Hearings (OAH) pursuant to 20 U.S.C. § 1415(i)(2)(A). The parties are reminded that the Court's jurisdiction is limited to reviewing the administrative record to determine whether the decision is supported by substantial evidence in the record, and whether the OAH complied with the requirements of the statutes in reaching the decision reviewed.

IT IS HEREBY ORDERED that the referral to the ADR Multi-Option Program is withdrawn and all presently scheduled dates are vacated. Pursuant to Civil L.R. 16-5, IT IS FURTHER ORDERED that :

1. Defendant shall serve and file an answer, together with a certified copy of the transcript of the administrative record, within ninety days of receipt of service of the summons and complaint.

2. Plaintiff shall serve and file a motion for summary judgment or for remand within thirty days of service of defendant's answer.

3. Defendant shall serve and file any opposition or counter-motion within thirty days of service of plaintiff's motion.

4. Plaintiff may serve and file a reply within fourteen days of service of defendant's opposition or counter-motion.

5. Unless the court orders otherwise, upon the conclusion of this briefing schedule, the matter will be deemed submitted for decision without oral argument.

DATED: October 1, 2007


WILLIAM ALSUP

UNITED STATES DISTRICT JUDGE